

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

CASIMIR GRIFFIN,

Supervisee.

No. 11-cr-936 (RJS)
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

The Court is in receipt of a letter from Supervisee’s counsel, dated August 24, requesting that one of Supervisee’s proposed witnesses – Ms. Iesha Banks – be permitted to testify remotely at the violation of supervised release (“VOSR”) hearing scheduled for August 27, 2021.¹ Doc. No. 159. Counsel has informed the Court that the government does not object to this request. *Id.*

Based on the representations in counsel’s August 24 letter, the Court determines that counsel has made good faith efforts to arrange for Ms. Banks to testify at the hearing in person and has provided sufficient specific reasons for her unavailability. *See* Doc. No. 159 (explaining that Ms. Banks lives in North Carolina and is unable to travel to the hearing because of her commitments to her job and the care of her two young children). Because the government does not object, and in light of Ms. Banks’s commitments and the ongoing COVID-19 pandemic, the Court grants counsel’s request to permit Ms. Banks to testify remotely subject to the requirement that she testify via two-way videoconference. *Cf. United States v. Gigante*, 166 F.3d 75, 81 (2d Cir. 1999) (holding that “a trial court may allow a witness to testify via two-way closed-circuit

¹ Although counsel’s August 24 letter does not specify a medium for the remote testimony, the Court contemplates that Ms. Banks would testify via a two-way videoconference on Zoom in the same manner that the government’s witness testified at the evidentiary hearing held in this matter on July 28, 2021.

television” at trial “[u]pon a finding of exceptional circumstances” and “when this furthers the interest of justice”); *United States v. Donziger*, No. 11-cv-691 (LAK), 2020 WL 5152162, at *2–3 (S.D.N.Y. Aug. 31, 2020), *reconsideration denied*, No. 11-cv-691 (LAK), 2020 WL 8465435 (S.D.N.Y. Oct. 23, 2020).

SO ORDERED.

Dated: August 25, 2021
New York, New York

A handwritten signature in blue ink, appearing to read 'R. Sullivan', is written over a horizontal line.

RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE
Sitting by Designation